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April 7, 1976

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The Honorable Charles B. Renfrew  
United States District Judge  
17th Floor -- U.S. Courthouse  
450 Golden Gate Avenue  
San Francisco, California 94102

RE: STEPHANIE KIPPERMAN v. JOHN McCONE, ET AL.,  
NO. C-75-1211-CBR

Dear Judge Renfrew:

I have in hand the two letters and proposed order submitted by Defendants in the referenced action.

I am advised that the Court intends to draft its own Order. I ask the Court to consider the following:

1. An order incorporating the language of Defendant's proposed ORDER DISMISSING ACTION, p. 2, lines 4-9 (uncontroverted affidavits demonstrate no opening or "cover" of mail) would not reflect my understanding of the case status at the conclusion of the last hearing. At that time, I understood Plaintiff's statistical analysis to be unrebutted -- although viewed inconclusive by the Court. Further, that rebuttal was unnecessary because of the Court's holding that an intentional violation of enumerated Constitutional rights, without sufficient actual injury, does not confer standing (accurately reflected in the proposed ORDER, p. 1, lines 19-25).

2. The interesting core legal issue raised here will not be properly highlighted if the proposed ORDER is followed, and one blinks the fact that an intentional violation of specified Constitutional rights was alleged by Plaintiff (Third Amended Complaint, paragraphs 19, 20, 22).

OGC Has Reviewed

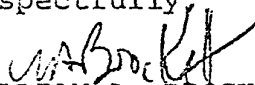
United States District Judge

Page 2

April 7, 1976

3. The personal jurisdiction question is, as suggested by Defendant DAY, dependent upon whether Defendants' activities in California were sufficient to meet due process requirements.

Respectfully,

  
WILLIAM A. BROCKETT  
Attorney for Plaintiff

cc: All Counsel

STATINTL